

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LUIS CARLOS VASQUEZ,

Defendant-Appellant.

C.A. No. 13-10439

D. Ct. No. CR 11-2486-TUC-DCB

**MOTION FOR EXTENSION OF
BRIEFING TIME**

For the reasons set forth in the attached Declaration of Christina M. Cabanillas, Plaintiff-Appellee United States of America, pursuant to Circuit Rule 31-2.2(b), hereby moves this Court for a 60-day extension of time in which to file its brief from October 16, 2015, to December 15, 2015.

Respectfully submitted this 9th day of October, 2015.

JOHN S. LEONARDO

United States Attorney

District of Arizona

s/ Christina M. Cabanillas

CHRISTINA M. CABANILLAS

Assistant U.S. Attorney

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Attorneys for Appellee

DECLARATION

Christina M. Cabanillas hereby states that:

1. She is the Assistant United States Attorney with primary responsibility for handling the appeal in the above-captioned case.
2. The brief of the United States currently is due to be filed on October 16, 2015.
3. Because of the following, undersigned counsel cannot complete the brief of the United States by the current due date:
 - a. The defendant filed his corrected opening brief on July 15, 2015.
 - b. Undersigned counsel was out of the country from July 18, 2015 through August 3, 2015, and returned to work on August 4, 2015.
 - c. Undersigned counsel was not the trial attorney in this case and needs more time to review the arguments and the lengthy record, research the issues, and draft the government's answering brief.
 - d. Counsel needed to review and assess the consolidated appeals in *United States v. Gonzalez-Hernandez*, No. 14-10222 & No. 14-10223, which ultimately were resolved without further briefing after the government filed an unopposed motion to remand for resentencing on August 12, 2015. Counsel also needed to review and edit the government's answering brief in *United States v. Wilson*, No. 14-10568, which was filed on August 18, 2015.

e. Counsel needed to draft and file the answering brief and supplemental excerpts of record in *United States v. Martinez*, No. 14-10415, due on October 5, 2015.

f. As the Training Coordinator for the Tucson Office, counsel has regular duties associated with coordinating and scheduling various trainings. Counsel helped review materials for an in-house presentation regarding drug prosecutions on September 10, 2015. She also needed to schedule trainings set to occur in October and November 2015, including a recent training on October 8, 2015. Counsel will be presenting an in-house training to Assistant U.S. Attorneys on October 22, 2015, regarding prosecutorial misconduct issues. That training was rescheduled from an earlier date and will require researching and preparing written materials and a presentation.

g. Counsel drafted a motion to dismiss appeal in *United States v. Padilla-Galindo*, No. 15-10088, which was filed in this Court on October 8, 2015. Counsel also edited the government's brief last week in *United States v. Anderson*, No. 14-10296, which was filed on October 8, 2015. She also needed to conduct research on several matters for other attorneys who were drafting trial pleadings or appeals.

h. Counsel has an answering brief due in *United States v. Zapien*, No. 14-10224, on November 4, 2015. Counsel also has an answering brief due in *United*

States v. Velasquez, No. 14-10541, on December 8, 2015. Both cases, like this one, are trial cases.

i. Counsel has an oral argument in *United States v. Hernandez-Castro*, No. 14-10497, on November 20, 2015, in San Francisco. This will require preparation and travel.

4. One previous streamline extension of time was filed by the government before this Court determined it would not accept the defendant's initial opening brief. This is the second motion for extension of time the government has filed to respond to the defendant's corrected opening brief.

5. The defendant is presently in custody. His projected release date is January 26, 2024.

6. Counsel avows that this extension is not being sought for the purposes of delay and that she will make every effort to file the brief within the time requested.

7. To counsel's knowledge, the court reporter is not in default with regard to any designated transcripts.

8. Defense counsel Kathleen G. Williamson has been contacted and objects to this motion, on behalf of her client. Notwithstanding that objection, the government respectfully asks this Court to grant the motion for the good cause shown above. In addition, the defendant received lengthy and multiple extensions

of time to file the opening brief in this case, starting in September 2013 and continuing through May 2015, totaling over 18 months, all without objection by the government. Undersigned counsel, like defense counsel, did not try this case below. More time is needed to permit undersigned counsel review the record and arguments and complete the answering brief.

Respectfully submitted this 9th day of October, 2015.

/s/ Christina M. Cabanillas
CHRISTINA M. CABANILLAS
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of October, 2015, I electronically filed the Motion for Extension of Time with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

s/ Christina M. Cabanillas
CHRISTINA M. CABANILLAS
Assistant U.S. Attorney